

**CITY COUNCIL MEETING
CITY OF WATERTOWN
September 8, 2015
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Stephen A. Jennings
Council Member Teresa R. Macaluso
Mayor Graham

Also Present: Sharon Addison, City Manager
Robert J. Slye, City Attorney

City staff present: Matthew Roy, James Mills, Kenneth Mix, Eugene Hayes, Amie Davis, Yvonne Reff, Amy Pastuf, Michael Sligar, Brian Phelps, Justin Wood, Police Chief Charles Donoghue, Fire Chief Dale Herman, Deputy Fire Chief Russell Randall

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving Intent to Enter into a Franchise Agreement Between the City of Watertown and the Watertown Bucks, Inc.
- Resolution No. 2 - Releasing Deed Restriction on 1171 Coffeen Street
- Resolution No. 3 - Adopting City of Watertown Transit Half Fare Program
- Resolution No. 4 - Re-Adoption of Fiscal Years 2015-16 through 2019-20 Capital Budget
- Resolution No. 5 - Accepting Bid for Fire Department Pumper Truck
- Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$550,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase of a Fire Pumper Truck, in and for Said City
- Local Law No. 1 of 2015 - A Local Law Amending Section 48-3, and Adopting Sections 48-4 and 48-5 of the Code of the City of Watertown
- Proposed Consolidation and Extension of PILOT Agreements
- Donation Offer of 825 Academy Street
- Board and Commission Appointments
- Sales Tax Revenue – July 2015
- Update on Stateway Plaza and Loomus Drive Dedication

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of August 17, 2015, was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

COMMUNICATIONS

No Communications

PRIVILEGE OF THE FLOOR

Shannon Drean, 233 Barben Avenue #2, spoke in support of Councilman Jennings for Mayor in the upcoming election.

Mayor Graham reminded the public that the Privilege of the Floor is for the purpose of commenting on public issues.

S.G. Gates, 157 Dorsey Street, addressed the chair with concerns over the number of skunks in the City at night. In addition, he mentioned there is a problem with feral cats that needs to be addressed. He discussed the proposed dog park stating he is trying to do a good thing for the community but mentioned that he has received threats regarding his views over the dog park.

Mayor Graham advised Mr. Gates to discuss these concerns with the Police Department.

Howard Sprague, 1409 Ives Street, indicated there has been much talk about the dog park but he questioned whether there are any regulations limiting the number of dogs an individual can own. He stated that owners do not always take care of their dogs and he has a lot of “dog manure” on his lawn.

Christa Harris, 405 Fairview Street, agreed there are some houses with a number of dogs, many not on leashes. Regarding the dog park, she questioned whether the dogs will be up-to-date with their shots and whether the dogs will get each other sick. She discussed the feral cat problem as well, mentioning the SPCA is overwhelmed. Lastly, she advised that her neighbors have not received any feedback from the petitions submitted in opposition of the dog park.

Shannon Drean, 233 Barben Avenue #2, addressed the chair regarding the feral cat problem and indicated she works with a local animal rescue group called Ninja’s Against Animal Cruelty trying to help this problem. She asked if the City knows of any grants or additional help that would be available to this group.

Mayor Graham asked the City Manager to review if there are regulations as to the number of dogs an owner can have. He said he has received complaints about this as well.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning the Eminent Domain Procedure – Palmer Street Extension.

Mayor Graham declared the hearing open at 7:30 p.m.

Brian Murray, CEO of Washington Street Properties, 215 Washington Street, addressed the chair speaking on behalf of the tenants of Palmer Street Townhomes and Apartments. He noted his company

is the owner and operator of that community and over the last three years, his company has invested a lot of money into improving this community. He explained there are 30 townhomes and 40 apartments with many long-term tenants and young families with children, and he thinks the community offers a nice place for people to live in the City. He said he understands some of the concerns over not wanting to increase traffic along this street, but he thinks some of the same concerns would be shared regarding any street within the City. He indicated his primary concern is for the safety and wellbeing of the citizens that are living within this community and there are many small children that need to walk from where they live in the development to the bus stop. He mentioned the two areas of the street that are in great disrepair are on either side of the townhomes and apartments, so 95% of the people that are affected by the condition of that street are living within this community. Stating he is concerned over the safety of the people, in particular the children, who walk along the street, he stressed it is very easy to lose control of a vehicle trying to navigate the potholes and most of the work that has been done is patchwork. He added the street falls apart every Spring due to the freezing and thawing process. Another concern, he said, is the accessibility of emergency vehicles and the speed and safety in which these vehicles can access this area. Mr. Murray asked that these factors be considered and does not advocate for the City to invest in anything ornate or elaborate. He clarified the request is that the City consider paving the street with one sidewalk so there is a way for people to traverse the street without endangering their wellbeing or safety.

Mayor Graham asked if Mr. Murray owned some of the road.

Mr. Murray replied there is a section along the center that he owns and it is in good condition. He reminded Council that he wrote a letter to the City indicating that he is willing to work in any way possible to try to accommodate any plans the City might have in place to provide a safe passage through the street. He confirmed the apartments were built in the 1980's and he has put a significant amount of money into them recently. He reiterated that he continues to invest in each and every apartment and there are a lot of long-term tenants, therefore there is not much turnover. He added he tries to keep the rent low and take care of those long-term tenants. In response to Mayor Graham's question, he indicated the apartment complex is assessed for \$3 - \$4 million.

Council Member Butler asked if Mr. Murray would be willing to install the sidewalk.

Mr. Murray responded that he has installed sidewalks on his property so he is asking that a sidewalk be installed to connect to where it ends. He added that he has maintained the sidewalks within the development. He responded to Council Member Butler's question that the rent is market based and not income based.

Council Member Butler questioned whether CDBG money could be used toward the sidewalk.

Kenneth Mix, Planning Coordinator, replied that it would depend on the income levels in the consensus track. He suggested that area may be one of the areas that would be eligible.

Council Member Butler commented that he is not supportive of eminent domain but he appreciates Mr. Murray representing his side of the issue. Mentioning the low traffic count in this area, he said there are other areas in the City that are in bad condition, such as East Avenue, South Meadow, Orchard Street and the potential development of Western Boulevard, with higher traffic counts. He stated that part of his responsibility is to prioritize streets and he would suggest spending the money on other areas, noting

that rebuilding this street will have a tremendous impact financially on some of the residents on this street.

Mayor Graham asked if the value of the property is hurt when a development like this is not on a City street.

Mr. Murray replied that the size of the property would determine how many units could be constructed so if the property was subdivided and conveyed to the City, it could diminish the value of the property. He added this is a process that he would be willing to try to go through with his lender and work with the City to try to navigate that process without compensation. He responded to Mayor Graham's question that his tenants travel both directions from the complex.

Council Member Jennings asked how many children walk to the bus stop and wondered if the bus could come to the complex to pick them up.

Mr. Murray indicated that he does not have a count of children but agreed that this would address the one concern.

Council Member Burns said she thinks that was an unfair question to Mr. Murray because it is not his decision if the City School bus will go into his complex. She commented this should be a question for the Superintendent of City Schools.

Council Member Jennings indicated he will ask the Superintendent.

In response to Council Member Macaluso's question, Mr. Murray explained the townhomes and apartments are on a loop so a school bus could easily turn around without having to back up.

Council Member Burns asked how long Mr. Murray has owned the property.

Mr. Murray replied he has owned it for approximately three years and the vacancy rate is less than 5%.

Discussion focused on whether municipalities can do improvements or should spend money on private property and Attorney Slye clarified that if there is a joint municipal and private purpose, then it is entirely permissible for the municipality to undertake.

S.G. Gates, 157 Dorsey Street, reminded Council that there were several people that did not want the City to take over this street and were happy with it as is. He requested the City continue doing what has been done in the past and not incur the extra cost to the taxpayers.

Frank Battista, 201 Palmer Street, informed Council that he bought this property from the City in 2000 through a tax sale and the property goes street to street. He advised that after he started building his house, he realized there was no water or sewer service and it was in a dead zone so he paid Syracuse Utilities in order to set power poles to bring utilities to the property. He explained that he set up a payment plan to have the water service put in and stressed that the one inch copper line that connects to Palmer Street is owned by him. Regarding sewer, he said he should get the same services that any City resident receives so the sewer should go to the curb stop, but he was told he had to retrieve it as well as pay for it which would have cost approximately \$12,000. However, he said he wrote to Governor

Patterson to get permission for a septic tank, noting that he really did not want a septic tank. Mentioning this area was run down and his property runs from Wealtha Avenue to Palmer Street, he stated his family has fixed up both sides of the property and he set power and light poles on it. Mr. Battista reminded Council that when Bellew Avenue was reconstructed, traffic was detoured down Palmer Street which created stress cracks in the pavement causing damage to the road. At that time, he asked for Palmer Street to be resurfaced, and now he is stressing that millions of dollars do not need to be spent on this street but the damaged areas still should be resurfaced. Mr. Battista discussed the bus stop in front of his house, stating there are four kids that use it and he keeps everything mowed and plowed during the winter months. Mentioning the apartments on Wealtha Avenue, he said the bus stops have plastic huts in which the kids can wait in and wondered if this is an option. In addition, he discussed the hardships this will put on him and his neighbor if sewer is put in and he is made to connect to it. He also asked who will shovel the sidewalk if it is installed because this could be another burden for him. He concluded by saying this problem was started back in 1980's when the City allowed the apartments to be built knowing there was not a good street there.

Cary Johnson, 733 Water Street, addressed the chair stating he grew up on the corner of Emmett and Palmer Streets and walked Palmer Street as a kid so he knows it has been in terrible condition for a long time. He said he takes exception to Council Member Butler's comment that this needs to be pushed down the ladder because there are more important streets that need to be done. He asked what other residential streets have a block with a \$4 million dollar assessment.

Council Member Butler mentioned Western Boulevard.

Kay Hoffman, 1230 Madison Ave, asked if any of the Council Members have visited Palmer Street and looked at its condition so that they know what they are basing their decision on. She said she appreciates their questions and thinks Council is very interested in this but it might be easier to make a decision if they viewed the street.

Motion was made by Council Member Roxanne M. Burns to close the Public Hearing. Motion was seconded by Council Member Stephen A. Jennings and carried with all voting in favor thereof.

Mayor Graham declared the hearing closed at 8:06 p.m.

RESOLUTIONS

Resolution No. 1 - Approving Intent to Enter into a Franchise Agreement Between the City of Watertown and the Watertown Bucks, Inc.

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown owns and operates a facility known as the Alex T. Duffy Fairgrounds, a community recreational facility, and

WHEREAS the City of Watertown desires to promote recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS in pursuit of that valid public purpose, the City of Watertown desires to enter into a contract for the use, operation, management and maintenance of the Fairgrounds baseball facilities and all baseball-related activities, and

WHEREAS the Watertown Bucks, Inc., owns and operates a summer professional baseball team, as a member and franchise of the North Country Baseball League, and

WHEREAS the Watertown Bucks, Inc., desires to enter into a Franchise Agreement with the City of Watertown to have its team play baseball games within the confines of the Fairgrounds baseball fields and is in a unique position to contract to use, operate, manage and maintain the Fairgrounds baseball facilities,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Intent to Enter into a Franchise Agreement between the City and the Watertown Bucks, Inc., for the 2016 baseball season.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 2 - Releasing Deed Restriction on 1171 Coffeen Street

Introduced by Council Member Teresa R. Macaluso

WHEREAS a deed restriction was placed on 1171 Coffeen Street on November 24, 1945 that restricted the property's use to residential or dry cleaning purposes, and

WHEREAS the covenant lists the City of Watertown as an enforcer of the restriction, and,

WHEREAS the neighborhood around 1171 Coffeen Street has changed significantly since 1945, and

WHEREAS the City's current policy on allowed land uses is enforced through its Zoning Ordinance,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby releases the deed restriction on 1171 Coffeen Street that restricts its use to residential or dry cleaning purposes, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to sign the "Release of Deed Restriction."

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Jennings said he is not opposed to this but wondered what the neighbors thought about this.

Attorney Slye explained this particular release is to be signed by everyone who enjoys this same deed restriction which would include the neighbors. He advised that he does not know the status of all the other signatures. He further explained the City enjoyed a personal right to enforce this covenant and this will release this covenant. He added the situation predated zoning.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 3 - Adopting City of Watertown Transit Half Fare Program

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown is the recipient of Urbanized Area Formula Funding, 5307 funds, and

WHEREAS Federal regulations mandate that the City of Watertown adopt a Half Fare Program to address the needs of the elderly, persons with disabilities or an individual presenting a Medicare card,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby adopts the City of Watertown Transit Half Fare Program, a copy of which is attached and made part of this resolution, effective October 1, 2015.

Seconded by Council Member Stephen A. Jennings

Prior to the vote on the foregoing resolution, Council Member Butler stated he is glad to see this program because it helps the elderly and disabled. He said it goes a long way to offsetting the 33% increase that was adopted earlier in the year.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 4 - Re-Adoption of Fiscal Years 2015-16 through 2019-20 Capital Budget

Introduced by Council Member Stephen A. Jennings

WHEREAS on June 1, 2015 the City Council adopted the Fiscal Years 2015-16 through 2019-20 Capital Budget, and

WHEREAS City Council desires to re-allocate the funds appropriated for the design of the dosing station control pH facility in the amount of \$80,000 to the video surveillance project at an estimated cost of \$19,500 and the fiber optic project at an estimated cost of \$56,000,

NOW THEREFORE BE IT RESOLVED that the Fiscal Years 2015-16 through 2019-20 Capital Budget is amended to include the Video Surveillance project at an estimated cost of \$19,500 and the Fiber Optic project at an estimated cost of \$56,000 in FY 2015-16.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Butler asked for further explanation.

Michael Sligar, Water Superintendent, explained \$80,000 in this year's Capital Fund is for the design of the dosing station control pH facility which was intended to be built next year for \$300,000. He noted the pilot study has indicated that neither of these expenditures are necessary, so \$300,000 will be removed from next year's budget. He asked for the \$80,000 to be rededicated toward the video surveillance project and the fiber optic expansion.

Council Member Butler asked if there would be a re-adoption of the budget to remove the \$300,000 expenditure.

James Mills, City Comptroller, clarified this is not required and it will not appear as an actual project next year.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 5 - Accepting Bid for Fire Department Pumper Truck

Introduced by Council Member Stephen A. Jennings

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of a Pumper Truck for use at the City's Fire Department, per City specifications, and

WHEREAS bid specifications were sent to fifteen (15) fire apparatus providers, with a total of five (5) bids received, and

WHEREAS on Friday, August 7, 2015 at 11:00 a.m., the City Purchasing Department publicly opened and read the bids received, and

WHEREAS City Purchasing Manager Amy M. Pastuf reviewed the bids received with the Fire Department, and it is their recommendation that the City Council accept the bid from Colden Enterprises Fire and Rescue in the amount of \$469,529.00 as the lowest qualifying bidder meeting City specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid submitted by Colden Enterprises Fire and Rescue in the amount of \$469,529.00 for the Pumper Truck as the lowest qualifying bidder meeting City specifications for use at the City's Fire Department, and

~~BE IT FURTHER RESOLVED that the approval of this Resolution is contingent upon the City Council approving a Bond Ordinance to cover the expenses associated with this purchase, and~~

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to sign all contracts associated with implementing the award to Colden Enterprises Fire and Rescue.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Mayor Graham questioned the delivery time for this truck.

Dale Herman, Fire Chief, replied the proposal indicated the build date would be approximately 330 calendar days.

Mayor Graham said he accepts staff's recommendation on this bid but questions how it should be paid for. Mentioning that next year's sales tax is going up a quarter point, he stated this increase would generate approximately \$1.1 million per year in extra revenue. He suggested this amount of money could be available next year. He indicated he does not favor approving the bond ordinance that is linked to this and the decision on how to pay for it can be made next year when this additional money is available. Therefore, he proposed the following amendment.

Motion was made by Mayor Jeffrey E. Graham to amend the foregoing resolution removing the sixth paragraph which links this resolution to the bond ordinance. Motion was seconded by Council Member Roxanne M. Burns.

Council Member Butler asked for the City Comptroller's recommendation.

Mr. Mills remarked that it was to be bonded for in the multiyear plan so he would not be in favor of changing that. He advised the bond ordinance should be adopted as a stop loss policy and reminded Council that he will not borrow for this until spring, which would be in line with the sidewalk improvement district. He noted there have been projects in the past that had funding approved but then did not need to be borrowed for, and reiterated that he would like the bond ordinance passed as a safety net in case sales tax does not come in where they think it will, based on Fort Drum deployments and the Canadian dollar.

Council Member Butler said he does not disagree with Mayor Graham's logic but said there is a lot to think about before spending half a million dollars in cash from, hopefully, an increase in sales tax revenue. He stated this is worthy of more debate and due diligence.

Mayor Graham stressed he would like to get the bid approved so that the truck can be ordered but if it is contingent on the bond ordinance, the bond ordinance will not be voted on tonight under the rules. He discussed the reasons that he has never been comfortable with resolutions being contingent on other items.

In response to Council Member Butler's comments, Mr. Mills confirmed his projected borrowing timeline is next spring along with the sidewalk assessment that is done during construction season.

Council Member Macaluso asked if any money is needed upfront to order the truck.

Mr. Mills replied that he confirmed this with Amy Pastuf, Purchasing Manager, and the payment is due upon completion. He clarified that once a payment is made towards the truck, the City cannot go back and borrow for the money.

At the call of the chair, a vote was taken on the motion to amend the foregoing resolution and carried with all voting yea except Council Member Stephen A. Jennings voting nay.

Council Member Butler noted there was a lower bid from a vendor so he asked if it needs to be formally rejected since it did not meet the specifications.

Attorney Slye said it is his understanding that this vendor has been advised that it was rejected because it did not meet the bid specifications.

In response to Council Member Butler's question, Fire Chief Herman explained the specifications that were not met.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

ORDINANCES

Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$550,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Purchase of a Fire Pumper Truck, in and for Said City

Introduced by Council Member Teresa R. Macaluso

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the purchase of a fire pumper truck, including incidental expenses in connection therewith, all in and for the City of Watertown, Jefferson County, New York, there are hereby authorized to be issued \$550,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$550,000 and that the plan for the financing thereof is by the issuance of the \$550,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision twenty-seven of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City

Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 9. The City Comptroller is hereby further authorized, at his or her sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes, without resorting to further action of the City Comptroller.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of its City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.151 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This ordinance, which takes effect immediately, shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Seconded by Council Member Joseph M. Butler, Jr.

Motion for unanimous consent moved by Council Member Teresa R. Macaluso, seconded by Council Member Joseph M. Butler, Jr. and was defeated.

Laid over under the rules.

LOCAL LAW

Local Law No. 1 of 2015 - A Local Law Amending Section 48-3, and Adopting Sections 48-4 and 48-5 of the Code of the City of Watertown

Introduced by Council Member Joseph M. Butler, Jr.

A Local Law to amend Section 48-3 and to adopt Sections 48-4 and 48-5 of the Code of the City of Watertown, to establish that the Superintendent of Parks and Recreation has supervisory control of the parks and recreational areas of the City and to allow certain fees and charges to be established annually by resolution of the City Council.

BE IT ENACTED by the City Council of the City of Watertown that Section 48-3 of the Code of the City of Watertown shall be amended to read as follows:

§ 48-3. Department Head.

The administrative head of the Department of Parks and Recreation shall be the Superintendent of Parks and Recreation.

BE IT FURTHER ENACTED by the City Council of the City of Watertown that new Sections 48-4 and 48-5 of the Code of the City of Watertown should be adopted as follows:

§ 48-4. Supervisory Control.

The Superintendent of Parks and Recreation shall have the supervisory control of the maintenance and operation of all parks, playgrounds, and recreational areas identified in Chapter 216 of the Watertown City Code.

§ 48-5. Establishment of Fees for Parks and Recreational Areas.

Various fees associated with the use and/or rental of various City Parks and Recreational Areas have heretofore been established by ordinance amending Chapter A320 of Watertown City Code. Effective with the effective date of this Local Law, said fees and charges shall be established at least annually by the City Council through a budget resolution that adopts a City Fee Schedule. Said fee schedule shall be available to the public at the Office of the Superintendent and at the Office of the Watertown City Clerk.

This Local Law shall take effect immediately upon its filing with the New York Secretary of State.

Seconded by Council Member Stephen A. Jennings

Motion was made by Council Member Joseph M. Butler, Jr. to schedule a Public Hearing on the foregoing local law for Monday, September 21, 2015, at 7:30 p.m. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

STAFF REPORTS

Proposed Consolidation and Extension of PILOT Agreements

Council concurred to move forward with the proposed consolidation and extension of PILOT agreements.

Donation Offer of 825 Academy Street

Mayor Graham said this donation parallels the previous donation on Winslow Street and he thinks this is a positive development that banks are doing, even though it is not the entire solution.

Council Member Macaluso commented the City should accept the donation.

Council Member Burns agreed with Council Member Macaluso noting the bank is willing to deed the property over as well as give a certain amount of financial aid to enhance the property or put towards demolition. She remarked that it is a start of an answer to a problem that does exist in the City and builds a relationship between the City and the different lending institutions.

Mayor Graham pointed out the photos indicate the inside of the house is reasonable so the property could be reusable.

Council Member Burns mentioned she used to own the property next door and at that time, this property was a very nice house so she thinks the infrastructure is redeemable.

Council Member Macaluso stated that these houses could improve the City long-term if they could be sold to individuals that normally could not afford a home. She thinks this house looks structurally sound and the process of banks donating houses to the City is a step in the right direction.

Mr. Mills mentioned he has requested a stub search but he has not received that back yet. He wanted Council to be aware of this in case there is a concern once it is received. He provided Mayor Graham with an update on the properties that would go to public auction, indicating that resolutions should be presented at the next meeting.

Board and Commission Appointments

Mayor Graham reviewed the appointments that will expire soon and asked Council if the current individuals should be contacted to see if there is an interest in continuing to serve.

Council agreed.

Sales Tax Revenue – July 2015

Mayor Graham mentioned the report shows that sales tax revenue is up.

Update on Stateway Plaza and Loomus Drive Dedication

Attorney Slye updated Council on the dedication of Loomus Drive, stating there is an agreement with the owners in connection with the language of the conveyance. He said they have agreed to some other conditions which ensures the owners will pay for the monumentation of the street. He added that in the next two to four weeks, a resolution to accept the offer of dedication should be presented to Council.

Mayor Graham asked for an update on Stateway Plaza.

Ms. Addison explained she received notice that local Supreme Court Justice Gilbert ruled in favor of the City and dismissed the tax assessment challenge brought by Stateway Plaza for tax years 2009 – 2013. She said she anticipates an appeal.

In regards to Western Boulevard, Mayor Graham asked if eminent domain should be initiated because the property owner is never going to respond to a purchase offer. He noted that Mr. Donegan feels the City promised to build Western Boulevard but even though he has supported this, there have not been sufficient votes to move ahead with this in the past. He stressed that it is important to inform Mr. Donegan how Council wishes to proceed.

Attorney Slye confirmed the survey and abstract work was done and there was a public hearing along with a resolution finding that it was in the overall public interest to proceed. He indicated that he would need to review the prior process to see if it could be restarted.

Council concurred moving forward with this.

Attorney Slye added that one of the objections of the current property owner is that by selling the property, they are allowing a competitor to open up across their parking lot which is a legitimate business interest.

NEW BUSINESS

Palmer Street

Council Member Burns said she supports doing some improvements on Palmer Street, but it was never her intention, nor Council's intention, to spend a million dollars on reconstructing it. She stated that she has supported making it safe by filling potholes and cutting back some of the shrubs and trees. She compared this to Gaffney Drive, which she said is a privately owned street with an apartment complex and Council recently approved constructing sidewalks on it. She supported doing the same on Palmer Street because she has received complaints and public safety is important.

Council Member Butler commented that he is all in favor of sidewalks and if it is possible to install some on Palmer Street to make it easier for the children walking then he is supportive. However, he said he does not want to proceed with eminent domain because it has the potential of costing a lot of money. Comparing this street to other streets such as East Street, Orchard Street and South Meadow, there are many streets that need work. He said that everyone deserves a nice street but cost is a factor.

S.G. Gates' comments during Privilege of the Floor

Council Member Burns advised that if Mr. Gates is going to publicly make an allegation against a family member of hers threatening him, then he should file a report with the Police.

Letter from the Northern New York Autism Foundation

Council Member Butler explained he received a letter about two parents walking to Albany on September 20 in an effort to oppose the Governor's initiative to phase out sheltered workshops. He said there is a kickoff at 9:00 a.m. at Production Unlimited so he wanted to make Council aware of this event.

Bike Rack at Northern Regional Center for Independent Living

Council Member Jennings thanked staff in DPW and Planning for relocating a bike rack to 210 Court Street.

Knickerbocker Drive

Council Member Jennings provided an update on Knickerbocker Drive, stating that it is going well. He said the school has revamped the dismissal schedule and it improved the situation further. He thanked staff for the work that was done there.

Curbing on Pawling Street

Council Member Macaluso mentioned she had a constituent ask her for curbing on the second block of Pawling Street.

Fire at Creekwood Apartments and Car Bombing

Mayor Graham thanked the Fire Department for responding to this fire as well as the three car bombings on the east side of the City. He commented that it was a disturbing incident because the City has not seen anything like this before. He pointed out this was very systematic and executed in a well planned manner. After talking to some of the victims, he said they were scared and this act terrorized them. He advised that if the City does not have the total resources to investigate this then other agencies should be asked to help with it.

Motion was made by Council Member Stephen A. Jennings to move into Executive Session to discuss the Employment History of a Particular Individual.

Motion was seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.

Council moved into Executive Session at 8.26 p.m.

Council reconvened at 8:52 p.m.

ADJOURNMENT

At the call of the chair, meeting was duly adjourned at 8:52 p.m. by motion of Mayor Jeffrey E. Graham, seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.

Ann M. Saunders
City Clerk